

REMARKS

Reexamination and reconsideration of the present application is respectfully requested in light of the foregoing amendments to the claims and the following remarks.

Claims 1-4, 6 and 9-24 are pending in this application. Claims 5, 7 and 8 have been canceled without prejudice or disclaimer. Claims 25-27, directed to a non-elected invention, have been canceled without prejudice or disclaimer subject to Applicants' right to file a divisional application on the non-elected invention. No new claims have been added.

Claims 1-4, 6, 9, 11-13 and 15-24 have been amended. No new matter has been added by these amendments. The amendments are supported in the written description of the invention as set forth *infra*.

Applicants note the Examiner's consideration of the information cited in the Information Disclosure Statement filed December 9, 2003 as acknowledged in the Office Action Summary. Applicants further note the Examiner's acknowledgment of Applicants' claim for foreign priority under 35 U.S.C. § 119 and receipt of the certified priority document.

Rejection Under 35 U.S.C. § 112

Claims 1-24 stand rejected under 35 U.S.C. § 112, second paragraph, because "x" is not defined in claim 1. Claims 5, 7 and 8 have been canceled thereby rendering the rejection of these claims moot. Claim 1 has been amended to redefine the cobaltite as being A'CoO₂ and a A''CoO₂. Support for the formulas is found at pages 4, 5, 7 and 8 of the specification. In addition, claims 2-4 have been amended to specify the composition ratio for A' and A'' as set forth in claim 1. The composition ratios as set forth in claims 2-4 are supported in the specification at page 7, line 21 to page 8, line 18; page 9, line 2 to page 11, line 23; and page 10,

Application No.: 10/730,096

lines 10-18. It is believed that by these amendments, the rejection of claims 1-4, 6 and 9-24 under 35 U.S.C. § 112 has been overcome. It is respectfully requested that the rejection be reconsidered and withdrawn.

Rejection Under 35 U.S.C. § 102

Claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Cho et al. (U.S. Patent No. 6,555,269). Claim 1 has been amended to recite a thermoelectric transducing material comprising a layered cobaltite based substance. The material comprises at least one layer of $A'\text{CoO}_2$ and at least one layer of $A''\text{CoO}_2$ wherein the layers are stacked in a layer thickness direction (A' and A'' are each selected from alkali metals and alkaline earth metals elements) and A' and A'' are different elements. Cho on the other hand does not disclose or suggest the claimed multilayered structure. Cho discloses only LiCoO_2 , and fails to disclose a multistacked structure as recited in claim 1 wherein at least one $A'\text{CoO}_2$ layer and at least one $A''\text{CoO}_2$ layer are stacked in a layer thickness direction where A' and A'' are different elements. Furthermore, Cho is directed to a secondary lithium battery positive active material, and is not directed to a thermoelectric transducing material as required by claim 1. The reference further fails to disclose a structure that provides a superior thermoelectric transducing material in view of power factor P .

For all of the foregoing reasons, Cho et al. does not anticipate claim 1. Accordingly, it is respectfully requested that the rejection of claim under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Application No.: 10/730,096

Conclusion

It is submitted that the claims 1-4, 6 and 9-24 comply with the requirements of 35 U.S.C. § 112, second paragraph, and that claim 1 is patentable over the teachings of Cho et al.. Accordingly, favorable reconsideration of the claims is requested in light of the preceding amendments and remarks. Allowance of the claims is courteously solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. § 1.17 and due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Cameron K. Weiffenbach
Registration No. 44,488

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 CKW:ckw
Facsimile: 202.756.8087
Date: August 17, 2005

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